

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

No. CIV 18-0631 JB/KK

No. CR 07-1173 JB/KK

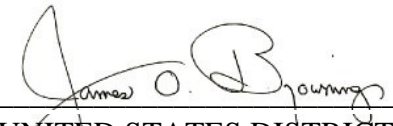
KELLY GRANT MERCER,

Defendant/Petitioner.

**MEMORANDUM OPINION AND ORDER DENYING CERTIFICATE OF**  
**APPEALABILITY**

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, having entered final judgment adverse to Defendant/Petitioner Kelly Grant Mercer, and concluding that further argument is not warranted, this Court denies a certificate of appealability. For the reasons stated in the Magistrate Judge's Proposed Findings and Recommended Disposition, filed August 5, 2019 (Doc. 123), and the Court's Memorandum Order Adopting Magistrate Judge's Proposed Findings and Recommended Disposition, filed November 20, 2019 (Doc. 125), Mercer has not made a substantial showing of a denial of a constitutional right. Therefore, the Court will deny the certificate of appealability.

**The Court hereby notifies the parties that, as provided in rule 11(a), they cannot appeal this denial and instead may seek a certificate of appealability from the United States Court of Appeals for the Tenth Circuit pursuant to rule 22 of the Federal Rule of Appellate Procedure. The Court further notifies the parties that a motion to reconsider this denial does not extend the time to file a notice of appeal under rule 4(a) of the Federal Rule of Appellate Procedure.**

  
UNITED STATES DISTRICT JUDGE

*Parties:*

Kelly Grant Mercer  
Memphis, Tennessee

*Petitioner pro se*